

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BALING N. DAT, DILANG N. DAT, and JANY
G. JOCK

Defendants.

NO. 8:22-CR-147

**MEMORANDUM AND ORDER ON
MOTION TO SQUASH**

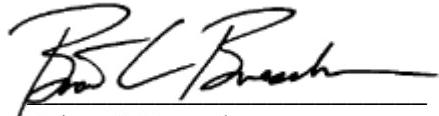
Presently before the Court is defendant Jany Jock's Motion to Quash Subpoena, [Filing 344](#), seeking to quash a subpoena from codefendant Baling Dat. The Court previously granted Jock's Motion to Quash a subpoena from another codefendant, Dilang Dat. [Filing 312](#) (Motion); [Filing 338](#) (Order). For the same reasons, the Court also grants this Motion to Quash Subpoena. [Filing 344](#).

Jock has a Fifth Amendment right "to refuse to testify against himself at a criminal trial in which he is a defendant." *Vega v. Tekoh*, 597 U.S. 134, 141 (2022) (citation omitted). This right is "absolute." *Salinas v. Texas*, 570 U.S. 178, 184 (2013). Further, the jury should not be made aware that a defendant is invoking his right to refuse to testify against himself. See *United States v. Perez*, 29 F.4th 975, 988 (8th Cir. 2022) ("It is well established that 'the Fifth Amendment . . . forbids either comment by the prosecution on the accused's silence or instructions by the court that such silence is evidence of guilt.'" (quoting *Griffin v. California*, 380 U.S. 609, 615 (1965))). Thus, Jock's Motion to Quash Subpoena, [Filing 344](#), is granted. Accordingly,

IT IS ORDERED that defendant Jany Jock's Motion to Quash, [Filing 344](#), is granted.

Dated this 16th day of August, 2024.

BY THE COURT:



Brian C. Buescher
United States District Judge